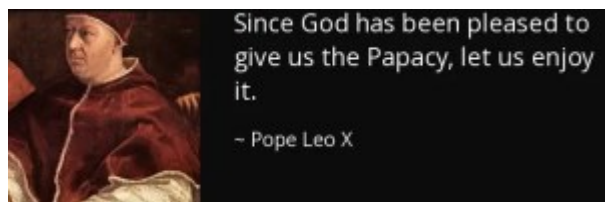


# The Papacy And The Civil Power –

## Chapter XXII. The Papacy Always Exclusive



Continued from [Chapter XXI. Disputes About Papal Authority.](#)

The Laity and the Church.—They once aid in Election of Popes.—Gregory VII. takes away this Power, and vests it in the College of Cardinals.—His Object is Universal Dominion.—The Papacy necessarily Intolerant.—Never satisfied with Freedom of Conscience.—Condemned in Syllabus of Pius IX.—Denounced when introduced in Austria.—He excommunicates all Heretics.—Magna Carta.—Religious Toleration in Maryland.—The Colony Part of Virginia.—English Supremacy established by Law in Virginia.—The Law extended over Maryland.—Lord Baltimore in Virginia.—He cannot take the Oath as a Roman Catholic.—Obtains Grant from Charles I.—It provides for Religious Toleration in the New Colony.—This is a Necessity to Lord Baltimore.—He cannot settle a Roman Catholic Colony without it.—Charles I. favors the Papists.—Roman Catholic Emigrants to Maryland.—Make War on Virginians found there.—They suppress the Protestants.—Efforts to establish the Royal Authority of Lord Baltimore.—Oath of Allegiance to him.—Offices filled by Roman Catholics.—All Writs run in his Name.—Those who refuse Fidelity to him forfeit their Property.—Their Lands to be seized.—Colonists under Control of Jesuit Priests.—Their Claim of Church Immunities.—Opposition to English Law.—Jesuits never in Favor of Religious Toleration.—The Condition of the Papacy at that Time.—Completely allied with the Jesuits.—Gregory XV.—His Persecutions.—His Influence over Louis XIII. of France.—Urban VIII.—Terrible Persecutions under his Reign.—Cardinal Richelieu and Olivarez.—Persecution of Galileo.—Bank Debt collected by Bull of the Pope.—All the Teachings of the Church opposed to Religious Toleration.—The Legislation in Maryland is only in Obedience to the Charter.—May have had the Assent of Laymen, but not of the Priests or the Church.—Could not have the Assent of Pope Pius IX. now.

IT has abundantly appeared in the preceding chapters that the theory upon which the papal system has been constructed requires *all Roman Catholics to be exclusive, intolerant, and aggressive*. To say that they are not all so, is only to say what everybody knows; but it is no answer to the allegation against the system itself. Those who constitute these commendable and praiseworthy examples are mostly single individuals; but sometimes communities as is frequently found to be the case in the United States. They are, however, generally influenced by their special surroundings, and have never acquired sufficient prominence to impress their sentiments upon those who mold the principles and direct the course of the papacy. The popes have never been influenced by them in any degree since the papal power reached its culmination; but, on the contrary have simply borne with them on account of their general acceptance of the fundamentals of the Roman Catholic faith, and their habit of nonresistance.

For a number of centuries the laity had a voice in the election of the popes, ("Antiquities of the Christian Church," by Bingham, vol. i., p. 132.)

which, of course, made those elected, or desiring to be elected, somewhat circumspect in their conduct toward them. This did not give the people any direct influence over the faith, but rather indirect, by means of that representative feature in the Church constitution which provided for general councils. There was no change in this mode of procedure until the emperors and kings of France, Spain, and Germany, from political motives only, arrogantly asserted the imperial right to select popes obedient to themselves, and to dispossess such as were not so. And when, after severe and long-continued struggles, the popes were enabled to wrench this usurped power from the hands of royalty, they felt themselves under no obligation to restore the ancient authority of the people; because, by that time they had become so inoculated with the sentiments of imperialism themselves, that they did not consider the people as having any rights whatever in matters of so much importance. Insisting that the episcopal order was established by direct appointment of Christ, they claimed for it the power of self-perpetuation; and therefore it became an established principle of the papacy that, even when the people aided in the election of a pope, they had no right to assume that he derived any authority from them. ("Universal Church History," by Alzog, pp. 396, 397, 659, etc.)

From this principle it was easy for so ambitious and talented a man as Gregory VII., surrounded by the prevailing superstition of the eleventh century, to deduce others which have since become necessary to the life of the papacy. Engaged as he was in consolidating a vast spiritual despotism, he was sagacious enough to know that his success would be in proportion to the removal of its power and authority from the people. Therefore, he employed his vigorous mind, not only while the confidential adviser of four popes, but more especially after he became pope himself, "to render all authority, civil and religious, dependent on the fiat of the Holy See; to place thrones and miters alike at the papal disposal; and to realize what had long floated dimly before the eyes of preceding pontiffs, an object of desire rather than of hope, the scepter of the universe swayed by the successor of St. Peter as vicegerent of the Almighty." ("Church History," by Baxter, p. 211.)

Chiefest among the means of consummating this object was the removal of all popular influences from the election of the pope, so that the ecclesiastical constitution should provide for a pure theocracy, with imperial powers. This he accomplished by vesting it exclusively in the college of cardinals, designated and appointed by the pope; by compelling all prelates and laymen to bind themselves, under the most solemn obligations, to the See of Rome; and visiting them with curses, anathemas, and excommunications in the event of their disobedience. So powerful was the influence he exercised upon his age, and so indelibly did he impress his principles upon the constitution of the papacy, that those of his successors who have imitated his usurpations have sheltered themselves behind his great name. And this has been done so frequently, with the apparent acquiescence of the laity, that at last what was originally the conception of overweening ambition has come to be considered as the infallible teaching of God—as an essential part of his eternal truth.

If some of these successors did impair the strength of the system he had

constructed by vices which outraged the Christian sentiment of the world, the present pope (Pius IX.), by his exemplary life and piety, has been enabled, in some measure, to will back their losses. He has, at least, done so to the extent of being enabled to turn all his papal artillery upon the liberalizing and tolerant opinions of the nineteenth century, and of finding multitudes of followers who agree with him in the pretense that Hildebrand, no less than himself, was the infallible representative of Christ on earth.

We must no longer look, then, to the laity of the Roman Church for its faith or discipline. They have nothing to do with either, except to obey whatsoever is prescribed to them. And this obedience is required to be so comprehensive and unlimited as to include all that has been in the past, now is in the present, and may hereafter be in the future. Their whole duty is involved in the simple act of submission. Consequently, if there are here and there some of them, or even many, who are liberal and tolerant, and therefore not aggressive, they either hush up these sentiments in their own breasts, or, if they express them, have not authority sufficient to make them felt, if even known, at Rome. The papacy is reached only through the hierarchy, and they are sworn to obey the pope implicitly, and to preserve and extend his royalties. He imparts a portion of his infallibility to them in the execution of their theocratic functions, and through them to the laity in the single act of obedience. The strength of the papacy is by these means left unimpaired, and, in so far as the claim of universal supremacy is concerned, it is set forth as boldly and defiantly as when Gregory VII. hurled his thunders of excommunication and anathema at the head of the German emperor.

What government has ever existed which has recognized freedom of religious belief and worship while submissive to the authority of the papacy? In all history there is no account of any such. Wheresoever it has been done, the popes have considered it an act of disobedience to them, and dealt with it accordingly. In all the forms of bulls and briefs they have condemned and denounced it as heresy. Pius IX. has done so in his Syllabus and other official papers. When the Austrian Government, in 1855, abolished the Concordat, allowing liberty for all opinions—liberty of the press, of faith, and of instruction in the schools—he characterized the act as inimical to the Church, as “in flagrant contradiction with the doctrines of the Catholic religion;” and, by virtue of power which he claimed to have derived directly from Christ, he declared all the acts and decrees in that respect “null and powerless in themselves and in their effect, both as regards the present and the future.” And he threatened all engaged in their execution with the censures of the Church and with excommunication. (\*)

\* See the pope's allocution, delivered June 2d, 1855, in consistory at Rome, Appletons' "Annual Cyclopaedia" for 1868, pp. 675, 676.

These threats have been executed by the proclamation of excommunication, in 1869, of all heretics, “whatever their name, and to what sect soever belonging, and those who believe in them, and their receivers, promoters, and defenders;” (*Ibid.*, for 1869, p. 619.) so that the pontifical curse is now resting upon all the institutions of Protestantism, and upon all liberal and

tolerant opinions, wheresoever they are to be found in the world.

When, therefore, we talk about what the Church of Rome teaches and allows in reference to freedom of religion, of the press, and of speech, such as is secured by the Constitution of the United States, we must look, not to what is done and said by exceptional individuals, or even by communities of liberal tendencies, but to the pope alone. He is the Church, and absorbs in himself whatsoever power it possesses, in all its height, depth, length, And breadth. The pen of inspiration has instructed us that "God is not a man," but the pope tells us that *he*, of all the earth, possesses the attributes of God, and must, therefore, prescribe the faith, reward the faithful, and punish the disobedient.

There are two memorable events in history which are sometimes referred to by defenders of the papacy to show that such accusations as the foregoing are unjust and unmerited: the granting of Magna Carta; and the introduction of religious liberty into the Colony of Maryland. If this defense were designed only to show that there had been, and yet existed, numbers of Roman Catholics who approved the principles involved in these great measures, it would be perfectly legitimate, and nobody could object, for that is an undoubted fact. But it is not so limited. On the other hand, it is placed to the credit of the papacy, which is not in any sense entitled to it.

As to Magna Carta, we have seen that the barons of England incurred the displeasure of Pope Innocent III. for extorting it from King John, and that he excommunicated them for doing so; and that he released the king from his sworn obligation to observe it, as he also did several of his successors. We have seen, too, the direct conflict between the principles it expressed and those which pertain to the papal system. The other inquiry—whether the papacy is entitled to any credit for religious toleration in Maryland—comes more directly home to the people of the United States; which makes the investigation of it of more immediate concern to us.

The Colony of Virginia was settled under several royal charters. That which erected it into "a corporation and body politic" was dated May 23d, 1609, and was granted by James I. The district of country included within the colonial limits extended "from sea to sea, west and northwest," and included all of what afterward became the Colony, and is now the State, of Maryland. One of the purposes expressed in this charter was "the conversion and reduction of the people in those parts unto the true worship of God and Christian religion." And inasmuch as the true worship was at that time in England considered to be that provided by the Established Church, in opposition to that of Rome, King James further said,

"We should be loath that any person should be permitted to pass that we suspected to affect the superstitions of the Church of Rome."

It required also that the English oath of supremacy should be taken by all the colonists. By these provisions of the charter, therefore, Roman Catholics were positively prohibited from settling in any part of the colony. Other and subsequent provisions were designed to enforce this exclusion. By royal instructions issued to the governor in 1621, the colony was required "to keep

up the religion of the Church of England as near as may be." In obedience to these instructions, the General Assembly of Virginia—the first that ever met in the United States—enacted a law providing

"that there be uniformity in our church as neere as may be to the canons in England, both in substance and circumstance; and that all persons yield readie obedience unto them under paine of censure." (Old spelling of some words.)

This was also repeated in 1629 and 1631, before the charter to colonize Maryland had been granted to Lord Baltimore. ("Henning's [Virginia] Statutes at Large," vol. i., pp. 97, 98, 114, 123, 149, 155.)

The condition of things existing in the Colony of Virginia was not at all satisfactory to the king. The first legislative assembly had met at Jamestown in 1619, each borough sending a representative. The impulse given to popular freedom by this means excited his apprehension that the monarchical principles he desired to plant in the New World might be endangered. He manifestly feared that if the right of representation in the Colonial Legislature were granted to the people, it would, in the end, result in organizing a formidable opposition to his own authority. And being a monarchist in the strictest sense, he therefore resolved at once to bring the colonists into complete subjugation. For this purpose he resorted to several wrongful and oppressive measures. He commanded that a number of felons, unfit to remain in England, should be transported to the colony; and also made the most grinding exactions upon the people in order to draw off their wealth, and thereby to supply his own treasury. This injustice, which violated the chartered rights of the colonists, they could not endure without remonstrance; and when they did undertake to set forth their grievances, and to appeal to the settled principles of the law of England for protection, they were regarded as seditious.

This furnished a pretext, in 1622, for an attempt to destroy the charter. The first step to this end was to establish in England the entire governing power of the colony, and thus deprive the people of all agency in making their own laws and managing their own affairs, which was secured to them in the charter as pertaining to "the privileges, franchises, liberties, and immunities" which belonged to all Englishmen. This scheme of government, as a substitute for the charter, was laid before the colonists, who were told that if they did not accept it, they would be crushed by the power of the king. Not at all intimidated by this threat, they rejected the proposition with indignation, being resolved to cling to their chartered rights. The king, therefore, found it necessary to resort to a more direct measure. He caused a writ of *quo warranto* (Latin meaning, "by what warrant?") to be issued from the Court of King's Bench in England to declare the charter forfeited. The colonists could not, of course, make any successful defense to this, for the king could easily find the means, in those days, to bring the judges over to the royal side if they were otherwise inclined.

The English law gave the court no jurisdiction over the whole body of colonists, and they rightfully decided to treat whatever judgment should be pronounced against them as null and void. The judgment of forfeiture was

arbitrarily rendered in 1625, just before the death of King James, but no steps were taken toward its execution before that event. Charles I., who succeeded him, took up the matter where his father had left it, and in one of his proclamations assigned all the misfortunes in the colony to what he called "corporate democracy." His principal effort, therefore, was to destroy entirely the representative form of government inaugurated in 1619. To this end he appointed a governor and council with powers as royal as he himself possessed. But the people were determined not to give up their General Assembly, and it continued to meet at regular periods, passing such laws as we have seen, in strict conformity to those of England. They cherished the rights of Englishmen too fervently to surrender them at the mere dictation of the royal power, or in obedience to the illegal judgment of a court subservient to it.

In 1628, Lord Baltimore visited Virginia. This nobleman was a monarchist both from inclination and education. He was so devoted to the interests of the king as to have become a special favorite of both James I. and Charles I. He had many excellent and ennobling qualities, which made him exceedingly popular. In 1624—only four years before—he had become a Roman Catholic. When he reached Virginia he found the English Episcopal Church established by law, and also a legal requirement that, in becoming a citizen, he should take the English oath of supremacy. This he could not do consistently with his new religious convictions. He was willing, as all the papists in England were, to take the oath of allegiance, which involved merely the support of the kingly prerogative, but not that of supremacy, which denied the authority of the pope. Consequently he did not unite himself with the colonists. But being delighted with the climate, soil, and scenery about the Chesapeake Bay and Potomac River, he formed the design of obtaining a charter from King Charles authorizing him to make a settlement there, in entire disregard of the rights of the Virginia colony. Upon that question, being a monarchist, he, of course, took sides with the king—both having an equal disregard for the rights of the people when they came in conflict with the prerogatives of royalty. He relied manifestly upon his well-known devotion to these principles for his success with the king. And in this he was not disappointed; for Charles was not only disposed to oblige him personally, but was resolved upon punishing the seditious colonists of Virginia, notwithstanding they rigidly maintained the religious worship established by the laws of England.

The charter to Lord Baltimore was granted in 1632; but in consequence of his death it was transferred to his son, who took his title. It granted the tract of country lying on both sides of the Chesapeake Bay and north of the Potomac, up to the fortieth parallel of latitude—the whole of which was within the limits of the Virginia colony. (\*)

\* "History of Virginia," by Howvison, vol. i., p. 270; "History of the United States," by Bancroft, vol. i., pp. 238-241.

This charter contained the celebrated provision that while Christianity was made the law of the colony, yet no preference should be given "to any sect,"

but "equality in religious rights, not less than in civil freedom," was secured. (Bancroft, p. 243.) This constitutes the groundwork of the Roman Catholic claim of toleration in the United States. A critical examination of it will demonstrate not only that this claim is groundless, but also what was understood by Charles I. and the elder Lord Baltimore by giving security to civil freedom in Maryland—in other words, by granting the right of legislation to those Roman Catholics who should emigrate to the colony.

The English oath of supremacy had been established one hundred years before the date of this charter. This oath required that every subject should recognize the king as the supreme head of the Church of England; that the Pope of Rome had no more jurisdiction than any other bishop; and that obedience to him should be renounced. ("History of England," by Rapin, vol. vii., p. 480.) This was not only the law in England, but it was also the law in the Colony of Virginia. It was because of this that Lord Baltimore could not become a citizen of the latter colony. Now when this, and the further fact that the territory granted to him was within the limits of the Virginia colony, are observed, it will be seen that he could have accomplished no possible object designed by him without a provision for religious toleration in his charter. He was about to undertake a settlement in a region of the New World where there was an existing form of religion established by law, which, in his conscience, he entirely repudiated—which he had renounced only four years before as contrary to the law of God, and which, if he remained true to his religious convictions and papal obedience, he would feel it his duty not merely to oppose, but to exterminate. Like other papists of that day, and the advocates of the pope's infallibility now, he favored religious toleration in a Protestant country that is, such toleration as would enable him to maintain the cause of the papacy in the midst of Protestantism as the means of rooting out the Protestant religion, and securing the establishment of the Roman Catholic by law. His only means of getting rid of the oath of supremacy in the Colony of Virginia was to get the king so far to set it aside, without authority of law and by his royal will alone, as to allow him to colonize part of the territory with Roman Catholics—this being, at that time, the only possible means of introducing that class of population into the colonies. Hence, the provision for religious toleration was a matter of necessity, not choice, with Lord Baltimore.

On the part of the king there was one principal object to be attained by the establishment of the new colony. As Lord Baltimore was a thorough monarchist, it was expected of him that he would check the tendency among the Virginia colonists toward popular liberty, and so employ the right of legislation granted to the Maryland colonists as to preserve the monarchical principle; which Charles well understood to be an established feature of the papal system. This object was so near the heart of Charles that he was quite willing that the established religion should be sacrificed, if it could be done in no other way. Although he had no power by the law of England to set aside the oath of supremacy, yet he could even venture to defy the authority of Parliament in order to punish the Virginia colonists for daring to assert their just rights as Englishmen.

He may, indeed, have had, and possibly did have, another motive beyond this:

the subversion of the English Church in the colonies and the establishment of the Roman Catholic by law. It is very well known to the readers of English history that both Charles I. and his father, James I., while professedly Protestants, were inclined to favor the papists as far as they dared to go. During the reign of Charles the laws were not executed against them, and they were allowed to go unpunished for refusing to take the oath of supremacy, whenever they consented to swear allegiance to him. (Rapin, vol. xi., p. 89.) By this latter oath they assured themselves of his royal favor to such an extent that they contributed greatly toward the general policy of his administration. They were allowed publicly to celebrate mass at Somerset-house, especially under the royal protection.

A papal nuncio resided in London, and his house was their general rendezvous. The queen was an acknowledged and fanatical papist. It is, therefore, quite certain that they materially aided the convocation and Archbishop Laud in implanting in the mind of Charles an intense hatred of the Presbyterians and Puritans. (\*)

\* *Ibid.*, vol. x., p. 435; "History of the Rebellion," by the Earl of Clarendon, Oxford ed., vol. i., p. 243.

And as the influence of the latter was beginning, about that time, to create a sentiment in the Plymouth colony, like that in Virginia, in favor of the principles of popular government, it was probably an easy matter for Lord Baltimore to obtain from Charles the charter of 1632. Both of them thought alike upon the political questions likely to be involved in the settlement of the new colony; and these were considered by Charles as of more consequence than the religious worship established by the English law.

Thus, when all these facts are taken into account, the conclusion is a natural if not unavoidable one—that the insertion of the provision in favor of religious toleration in the Maryland charter was alone for the objects and purposes already suggested. So far as Lord Baltimore himself was concerned, it was undoubtedly a necessity with him. He did not take it in that form because he favored religious toleration in a broad and liberal sense, even if he did so favor it, but because it was the only mode by which he could maintain Roman Catholicism in opposition to the existing law of the Virginia colony. By precisely the same process of reasoning as may have influenced him, Pope Pius IX. is in favor of religious toleration in the United States, but not at Rome; and so with his hierarchy all over the world.

The second Lord Baltimore did not accompany his colonists to America. They were placed under the care of Leonard Calvert, his brother, who arrived in Virginia with two hundred Roman Catholics in 1634. They visited Jamestown, where they were notified by the governor and council that their grant was considered as an encroachment upon the rights of Virginia. (Howison, vol. i., p. 270.) They then sailed up the Chesapeake, and established a colony which they called Maryland, in honor of Henrietta Maria, the Roman Catholic queen of Charles I. Upon Kent's Island, near the present city of Annapolis, they found a settlement of Virginians, already made under the authority of the



Virginia charter. They demanded of these that their jurisdiction and authority at Kent's Island should be immediately recognized. The Virginians not consenting to this, which they considered an invasion of their colonial rights, hostilities were commenced. Their leader was seized by Calvert and his party, tried, and convicted of sedition and other crimes, and would doubtless have been executed if he had not succeeded in making his escape to Jamestown, where he demanded the protection of the governor, who was then Sir John Harvey. No effective steps were taken by him; and he was suspected of favoring the views of the king, and of Calvert also. On this account he became so odious to the Virginia colonists that he was removed by the General Assembly, and sent back to England. But he was restored by the king, who was not disposed to listen to any popular complaints, or to do anything to protect the Virginians. (Howison, vol. i., p. 273.)

The facts thus far stated may be found in the general histories of those times; but any careful student of them will readily perceive that many things are omitted which are necessary to a perfect understanding of the early history of the Maryland colony, especially in so far as religious toleration was concerned. One reason for this is found in the fact that hitherto it has been deemed expedient by Protestants to permit the claim of Roman Catholic toleration to go unchallenged, as there was nothing to be gained by controverting it, and its evident tendency was to keep alive that sentiment in the minds of the multitude of Roman Catholic laymen to whom it is most acceptable. But now, when this claim is set up with such apparent candor, and so much is demanded on account of it, it has become necessary that it shall be more particularly examined and accurately understood. And it is fortunate that we are not entirely without the means of doing so.

In 1655, soon after these events occurred, there was published in Westminster Hall, London, an account of the settlement of the Maryland colony, wherein it was shown, by facts and arguments which could not be easily overthrown, that the patent of Lord Baltimore was illegal, and that under it the younger Lord Baltimore had usurped royal jurisdiction and prerogatives in violation of the laws and liberties of the English nation, and of the just rights of the Virginia colonists. In order to demonstrate this, a relation was given of the leading incidents connected with the rebellion of the Roman Catholic colonists against the existing government organized under the Virginia charter. Some years ago, this account, along with many others connected with our colonial history, was put in an accessible form by a gentleman who, during his life, was greatly esteemed for his erudition as well as for his painstaking in collecting together the materials of our early history. From this source the facts now to be related have been obtained. (\*)

\* "Historical Tracts," collected and printed by Peter Force, Washington City, 1838. See tract entitled "Virginia and Maryland; or, The Lord Baltimore's Case Uncased and Answered," etc., vol. ii.

After speaking of the seizure and confiscation of vessels belonging to the Virginians who had been trading with the natives of Maryland for a number of years, under proper and legal authority derived from their Colonial

Government, and the invalidity of the Maryland charter, which it was alleged Lord Baltimore had obtained by falsely representing the country as unsettled, it thus speaks of the Roman Catholic colonists:

"And professing an establishment of the Romish religion only, they suppressed the poor Protestants among them, and carried on the whole frame of their Government in the Lord Proprietaries name; all their Proceedings, Judicature, Trials, and Warrants, in his name, Power and Dignity, and from him only; not the least mention of the Sovereign Authority of England in all their Government; to that purpose, forceably imposing Oaths (judged illegal in a Report made by a Committee of the Council of State, 1652), to maintain his royal Jurisdictions, Prerogatives, and Dominions, as absolute Lord and Proprietary, to protect chiefly the Roman Catholic religion in the free exercise thereof; and all done by yearly Instructions from him out of England, as if he had been absolute Prince and King." (*Ibid.*, p. 5.)

There is no difficulty in seeing the object and precise nature of the oaths prescribed by Lord Baltimore for all officers and citizens, when it is considered that both by the laws of England and those existing in the colony at the time of his settlement, the English Episcopal was the established Church. And while the practice of religious toleration was compulsory, being provided for in the charter, it is undoubtedly true that these oaths were specially designed to give undue preference to the Roman Catholic colonists—a preference destructive of the equality which the charter was designed to establish. This is one of the requirements:

"And I do further swear I will not by myself, nor any other person directly, trouble, molest, or discountenance any person whatsoever in the said province professing to believe in Jesus Christ, and in particular no Roman Catholic, for or in respect of his or her Religion, nor his or her free exercise thereof within the said province, so as they be not unfaithful to his said Lordship or molest or conspire against the civil Government established under him." ("Historical Tracts," collected and printed by Peter Force, Washington City, 1838, pp. 23, 24, 26.)

We must necessarily look to the character of the civil government established by Lord Baltimore, in order to ascertain the obligations imposed by this oath. The oath of fidelity to him required that he should be acknowledged "to be the true and absolute Lord and Proprietary" of the colony; that "true faith" should be rendered to him and his heirs, and that his and their "Right, Title, Interest, Privileges, Royal Jurisdiction, Prerogative, Propriety and Dominion over" the colony should be maintained. (*Ibid.*, p. 25.)

Here was a manifest attempt to substitute his own royal power for that of the king, to whom all the original colonists were ready and willing to pay obedience. But the same is further shown by the commissions, writs, and processes that were issued. The law of England required all these to issue in the name of the "Keepers of the Liberty of England;" but, in disobedience of this requirement, they were issued in his name—a clear usurpation of royal jurisdiction and dominion. (*Ibid.*, p. 10.)

The plan of government constructed by means of these usurped powers and

prerogatives became such that the Protestant inhabitants of the colony who were loyal to England could not conscientiously take this oath, because it imposed the obligation of violating the law of the mother country. Whether that law was right or wrong is not now necessary to be inquired into; it was in accordance with the spirit of that, though not of the present age. It prescribed the line of duty for all English citizens, whether at home or in the colonies, and these Maryland colonists by violating it would have been subjected to prosecutions for sedition and treason. All this Lord Baltimore knew perfectly well, and therefore he prescribed an oath of fidelity to himself of such a nature that a loyal Protestant could not take it, being well assured, at the same time, that the Roman Catholics would all do so. And to show the little favor he was disposed to exhibit toward those who should refuse—if, indeed, he did not design to drive out the Protestants entirely—he caused a proclamation to be issued to the effect “that all such persons so refusing shall be forever debarred from any Right or claim to the Lands they now enjoy and live on;” that is, their property should be confiscated; and “his Lordship’s Governor” was instructed “to cause the said lands to be entered, and seized upon to his Lordship’s use.” (“Historical Tracts,” collected and printed by Peter Force, Washington City, 1838, p. 35.)

As might well be supposed, the results were just what Lord Baltimore designed they should be, and are fully set forth in this tract. “Papists and Priests and Jesuits” flocked into the colony. “Papist Governors and Counselors, dedicated to St. Ignatius,” filled the offices. The Protestants were “miserably disturbed in the Exercise of their Religion.” A number of “illegal Executions and Murders” occurred. There were “Imprisonments, Confiscations of many men’s Estates, and of widows’ and orphans’, to the destruction of many Families.” Those who would not take the oath were disarmed and plundered. “Popish Officers” were appointed, “outing those” who were previously in office. “Lands and Plantations” were seized and confiscated. And it cannot fail to arrest attention that all these persecutions were visited upon Protestants, while not one Roman Catholic suffered from them! (*Ibid.*, pp. 12, 13, 16, 30, 31. ) As for these, they were so favored that if one of them was called “Papish Priest, Jesuit, Jesuited Papist,” etc., the offender forfeited a penalty of “ten pounds!” (*Ibid.*, p. 27.)

The inferior position occupied by laymen in those days should relieve them from any responsibility for these measures. The civil authority of the colony was entirely in the hands of those appointed by Lord Baltimore, who, as it appears, selected Roman Catholic agents exclusively. At that time, in England, the papists were chiefly under the influence of the *Jesuits*, whose vigilance was too sleepless to permit this opportunity of planting their society in the New World to escape them. How far they had the sympathy and support of Lord Baltimore is, of course, not known; but it is undoubtedly true that they were the authors of all these measures in the Maryland Colony, and that they had pretty much their own way there. This appears from a narrative preserved in the Jesuit college at Rome, which is also found among the “Historical Tracts” above referred to. It was prepared by the Jesuit fathers appointed by the superior general of the order at Rome, to superintend the first emigration of Roman Catholic colonists who left England in the fall of 1633.

They went, as it is declared, to “carry the light of the Gospel and of truth where it has been found out that hitherto no knowledge of the true God has shone”—that is, where neither the pope nor popery had been heard of. History has amply shown the kind of light they throw upon the pathway of nations as well as individuals, and the events in the Maryland Colony show that they acted there, as everywhere else, under instructions from Rome. “Bulls, letters, etc., from the pope and Rome”—that is, from the pope and the general of the Jesuits—became familiar to the colonists. (Historical Tracts,” collected and printed by Peter Force, Washington City, 1838, p. 12.)

By means of these the Jesuits became omnipotent in the colony; and in the tract last named they show how successfully they exercised their power. Then, as now, the first object of the order was the acquisition of wealth, with the right to govern and control their property without any reference or obedience to the laws of the country in which they reside. On this subject Father White, one of these Jesuits, reports that when they set tip this claim in Maryland, they were met by those who insisted that the laws of England, which bound the colony, forbade it; and he speaks of them as those “who, too intent upon their own affairs, have not feared to violate the immunities of the Church by using their endeavors that laws of this kind formerly passed in England, and unjustly observed there, may obtain like force here, to wit: that it shall not be lawful for any person or community, even ecclesiastical, in any wise, even by gift, to acquire or possess any land unless the permission of the civil magistrate first be obtained.

Which thing, when our people declared it to be repugnant to the laws of the Church, two priests were sent from England who might teach the contrary.” And then, in order to show his superior what admirable success he had in resisting this unjust English law, and how all-powerful the order had already become in America, he continues:

“But the reverse of what was expected happened; for our reasons being heard, and the thing itself being more clearly understood, they easily fell in with *our opinion*, and the laity in like manner generally.” (\*)

\* “A Relation of the Colony of the Lord Baron of Baltimore,” by Father Andrew White, “copied from the Archives of the Jesuit College at Rome by the late Rev. William M’Sherry, of Georgetown College,” etc.; “Historical Tracts,” by Peter Force, vol. iv., last tract, p. 42.

And thus the Jesuits won their first triumph in the United States. The two priests sent over from England to demonstrate the necessity of obeying the English law were easily converted; the laity were unresisting; the law was trampled under their feet; and they were allowed to acquire, hold, and govern their own property with impunity, and without any responsibility to the civil power. This is precisely the claim now set up by the American hierarchy at the Second National Council at Baltimore, who have again revived, and upon the same soil, the old Jesuit demand of nearly two centuries and a half ago.

If the simple narration of the foregoing facts were not sufficient of itself to prove that the Jesuits in Maryland were only in favor of religious

toleration as a means of extirpating Protestantism—which is acknowledged to have been the chief object of their organization— the game they were then playing throughout Europe sufficiently removes all doubt upon the subject.

Those were the days of Popes Gregory XV. and Urban VIII., both of whom strove hard to establish papal omnipotence. Gregory XV. canonized Ignatius Loyola, the founder of the Jesuits. He organized missions to every country in the world. He founded the society of the Propaganda. He formed an alliance with Roman Catholic sovereigns for the extirpation of the Lutherans and Calvinists. He sent into Bohemia “cohorts of Dominicans, Augustines, Franciscans, Carmelites, and Jesuits,” under Cardinal Caraffa, with a subsidy of two hundred thousand crowns, who attacked and murdered Protestants wherever they found them; who “burned the farm-houses, murdered the farmers, violated girls, polluted young children, sparing those only who called themselves Catholics.

“He sent Cardinal Stein to Moravia, with like cruel and rapacious soldiers, who drove fifteen thousand Moravian brothers from their homes. His Jesuit missionaries, in Bavaria and Saxony, terrified twenty thousand people with the axe of the executioner, until they renounced Protestantism. He prohibited Protestant worship in the Palatinate, and forced the inhabitants to submit to the Church of Rome. His emissaries penetrated to Upper Baden, to Bamberg, Fulda, Eichsfeld, Paderborn, Halberstadt, Magdeburg, Altona, and threatened Denmark and Norway. He made Duke Maximilian of Bavaria Elector of the Palatine, as a reward for his heartless persecutions, which, he said, filled his heart “with a torrent of delight,” because it gave him assurance that “soon will all the enemies of the throne of the apostle be reduced to dust.” He stimulated Louis XIII. of France to make war upon the Huguenots. Everywhere they went, his legions of Jesuits, Franciscans, and Capuchins preached the extinction of heresy. With the heartlessness of a fiend he wrote thus to Louis XIII., on account of his cruelties to the Calvinists:

“My dear son, the ornament of the universe, the glory of our age, march on steadily in your holy path; cause the power of your arm to be felt by those who know not God; be pitiless toward the heretics; and merit to be seated one day on the right hand of Christ, by offering to him as a holocaust all the children of perdition who infest your kingdom.”

He wrote to the King of Spain “to have no pity on the heretics; to order his governors to establish the Catholic religion by force in the provinces dependent on his crown; to light up the stake; and to leave the Calvinists no alternative but the mass or death.”

Dreading the power of the English people, he changed his tactics in that country, and sought to win James I. by flattery, and by favoring the marriage of his son Charles to the daughter of the King of Spain. He conceived the idea of bringing the whole world into dependence upon Rome by the instruments he was then employing, and of sending these desolating missionaries to the Indies, China, Japan, all Asia, and Africa. It was his fertile and inventive brain which first conceived the thought, just before the Maryland charter was granted to Lord Baltimore, of planting Roman Catholicism in North America by means of Jesuit missionaries. (Cormenin, vol. ii., pp. 295, 297.) And to

notify the world how it would be governed if he had the power, this infallible pope issued a bull, *Contra Haereticos in locis Italioe*, whereby he ordained that no heretic, under any pretense whatever, should reside in Italy, or the islands adjacent. ("Religion and Policy," by Clarendon, Vol. ii., p. 530.)

Urban VIII. was a fit successor to Gregory XV. in some respects, while in others he was not. The condition into which Europe was thrown by the violent measures and remorseless persecutions of Gregory was one of convulsion and uncertainty. The Protestants were everywhere seeking places of refuge; and the princes who were obedient to Rome were emulous (ambitious to equal or surpass) of each other in the adoption of measures to extirpate them.

There was no valley in the Alps or the Pyrenees so remote as to furnish them a hiding-place. Spain had almost worn out its strength during the forty odd years of the tyranny of Philip II. by the expulsion of more than a million and a half of Jews and Moors, and the murder of untold numbers of Protestants. Ferdinand II. of Germany had swept over the Protestant settlements of Bohemia as with a besom of destruction. The bloody and unrelenting Alva had desolated the Netherlands. The fires of the Thirty Years' War were blazing all over Germany. Lutheranism was forbidden in Austria. Hungary was subdued, impoverished, and paralyzed. The indomitable but treacherous Wallenstein was crushing out the spirit of civil and religious liberty with his mighty army. The tramp of soldiery was heard everywhere. James I. and Charles I. were concerting plans, under the dictation of Buckingham and Laud, to turn over England to the papacy. The minor princes everywhere were intimidated.

Nowhere, in all Europe, was there to be found a single conspicuous Roman Catholic, except the great Richelieu, who dared to defy the thunders of Rome; and even he was so impressed with the teachings of the queen-mother, Mary of Medici, that he was as remorseless as his royal master, Louis XIII., could desire, in spreading consternation and dismay throughout the ranks of the Protestants. He used their swords to further his ambition, but punished them for their heresy. He added them to his armies in order to strike terror into the mind of Urban VIII., and then struck them down to keep within the pale of the Church. He would brook no rival to the king in France, and with his strong arm snapped every cord with which the infallible pope tried to bind him. Olivarez of Spain was a puppet in his hands. He played with kings as with toys. As there was no check to his ambition, so there was no limit to his power. His mighty genius displayed itself in the grandest measures of state policy; and finding that the greatness and glory of France lay through fields of blood, his cardinal robes were not sacred enough in his eyes to cause him an instant's pause in the task of achieving them.

Surrounded by men and events like these, Urban VIII. would have had an insignificant existence had he not possessed the papacy. This position required him, not alone to carry on the persecutions against the Protestants, but to mix himself up with the contests of the princes. Spain was trying to hold Portugal with one hand, and to keep France in check with the other. Urban, afraid to offend either, courted both. He dreaded the perfidy of Olivarez as much as he did the power of Richelieu. Necessity, therefore, not

choice, kept him from reaching out the papal arm over the nations as boldly as his immediate predecessor had done; but, nevertheless, he quietly left at work, whenever he was not prevented, all the instruments of papal vengeance which Gregory XV. had sent out. Italy was the only place where his infallibility was recognized, and there it was conceded only from dread of his power. It having been charged against him that he reached the pontificate only by causing some of the cardinals who had opposed him to be poisoned, (Cormenin, vol. ii., p. 299.) and by intimidating others, the Italians were kept in silence by fears of his cruelty.

Hence, in this limited field of ecclesiastical jurisdiction—where his mastery was undisputed, he felt authorized to show, to the fullest extent, what an infallible pope could do when undisturbed in the exercise of his power. The first measure by which he distinguished his pontificate was to set aside a bull of Sixtus V. by inaugurating a shameless system of nepotism, in making cardinals of his brother and two of his nephews, and in rewarding his own family with gifts of money and power. He caused Galileo to be thrown into prison and persecuted because he violated the faith of the Church in teaching the earth's revolution, according to the theory of the heretic Copernicus. He disgracefully converted the papal power into an instrument for extorting money from an orthodox prince, to oblige his nephew, Cardinal Francisco.

The Duke of Parma was largely indebted to the Monte, or Bank, of Rome, as security for which the revenues of the Duchy of Castro were pledged. Cardinal Francisco, desiring to obtain possession of Castro, prevailed upon the pope to summon the duke before him and command the payment of the debt to the bank. The duke was notified that if he did not appear within a fixed time, he would be excommunicated, and the revenues of Castro be sequestered for that purpose. The notice was disregarded, and the duke, knowing the character of Cardinal Francisco and his great influence over the pope, commenced the erection of fortifications to defend his territory in the event of forcible invasion. This the pope held to be an offense amounting to "*crimen laese majestatis*," because it was done without his consent, and he proceeded to pronounce a solemn judgment against the duke. This consisted in fulminating a formal bull, excommunicating him, forfeiting all his dominions, and absolving all his subjects from their oaths of fidelity. ("Religion and Policy," by Clarendon, vol. ii., pp. 548-550.)

In this act Urban VIII. went a bow-shot beyond any of his predecessors. With them the practice of excommunicating heretics, releasing their subjects, and taking away their dominions was familiar enough as the exercise of their divine power; but Urban was the first pontiff who employed this extraordinary power to compel an orthodox prince, as faithful to the Church as himself, to pay a debt to a banking corporation! What other than an *infallible* genius could have originated the idea of converting an ecclesiastical bull of excommunication into a *capias ad satisfaciendum*?

When forced, at last, to experience the mortification of defeat in consummating this nefarious scheme, in consequence of the combination of princes to protect the Duke of Parma, he gnashed his teeth in anger, like a madman, and died a miserable and ignominious death; "blaspheming the name of God, and confounding in the same curses the Doge of Venice, the Dukes of

Parma, Modena, and Tuscany, the French and Spaniards, Protestants and Catholics." (Cormenin, vol. ii., p. 317.)

The events heretofore related, immediately preceding and connected with the colonization of Maryland, occurred during the pontificates of these two popes; and there is nothing more certain than that neither of them did anything up to that time to counteract the influence of the Jesuits, or to check their career of conquest. Suarez, and Sanchez, and Emanuel Sa, and Bellarmin, and other fathers, had just died, leaving immense volumes of defense as a legacy to the order. Neither the "Augustinus" of Jansen nor the "Provincial Letters" of Pascal had yet been published. The heavy artillery of Port-Royal had not yet been opened upon them. They were holding "high carnival" among the nations; crowding around the courts of kings to subjugate them by their intrigues, bending popes to their will through such generals as Acquaviva, and lighting the torch wheresoever there were victims to be found.

But a few years before, the accursed and infernal Inquisition had been declared "holy" and "universal" by Pope Sixtus V., and no monarch had yet been powerful enough to succeed in mitigating its cruelties. John IV. of Portugal was the only one among the Roman Catholic sovereigns who, at that time, dared to incur the pontifical displeasure by denouncing its ferocities and seeking to destroy it.

Under all these circumstances, it is absurd—the very height of absurdity—to suppose that these Jesuit fathers, White, and Altham, and Brock, and others, who accompanied the first Roman Catholic colonists to Maryland, came over with the purpose in their minds to plant religious toleration and freedom of conscience in the New World. The idea is preposterous; and he who is credulous enough to believe it, is also ready to believe that Gregory VII., and Adrian IV., and Alexander III., and Innocent III., and Boniface VIII., made the service of God the sole motive of their lives, and undertook no efforts to seize upon the temporal scepters of kings.

Whatsoever, then, was done in the Colony of Maryland in favor of religious toleration was done only in obedience to the charter, and against the known and steady policy both of the Church of Rome and the Jesuits. Nobody can justify the intolerance of the Episcopalians of Virginia or the Puritans of New England; and while we may now congratulate ourselves that counteracting influences were planted in Maryland, it should not be forgotten that those who brought them accepted toleration from compulsion, and employed all the arts and cunning of Jesuitism to get rid of it.

Intolerance, it is true, accorded with the spirit of that age, and some allowance—but no apology—is to be made for it on that account. But the first influences that set in against it were Protestant exclusively, not Roman Catholic. Nowhere in the Roman Catholic world could religious toleration obtain a foot-hold. Although great men and laymen of the Church gave it their support, Rome would not permit it, and her fiat was the law of the Church: "when Rome has spoken," said Augustine, "that is the end of the matter."

The first legislation in Maryland in favor of freedom of conscience was in 1649, fifteen years after the colony had been planted. Earlier assemblies had



enacted laws, but they were not approved by Lord Baltimore, and were, therefore, lost. It was necessary in passing all these that the colonists, while preserving the legal rights of the Proprietary, should, at the same time, be careful to express their allegiance to the English monarch. They had the example of Virginia before them to teach them how necessary it was that their legislation should conform to their charter, in order to avoid a forfeiture. This conformity to the charter was the expression of their allegiance. Without it Lord Baltimore could not legally have approved of their legislation, and the displeasure of the king would have been incurred.

In any aspect of the question, then, the legislation of 1649 was a necessary duty imposed by their fundamental law, and was almost in the language of the charter. It was an act of legal obedience, nothing more. If, apart from this, it had the hearty assent of the Roman Catholic laymen of the colony, that only goes to show, what has often appeared elsewhere, that liberal-minded men of that Church have had courage enough to defy the papacy, in their advocacy of the inalienable natural rights of mankind. To these, if such were the fact, all possible honor is due, and we should not be slow to render it. And even now, in the present aspect of affairs, it may well be left unchallenged; for neither then nor now could religious toleration obtain the sanction and approval of the papacy. It could not have done so then, because Innocent X. was pope, and he, in a pontifical bull, *ex cathedra*, denounced the Treaty of Westphalia, which ended the Thirty Years' War by restoring peace to Germany, and placed every religious sect on an equal footing; declaring it to be "prejudicial to the Catholic religion, to divine worship, to the safety of souls, to the Apostolic See," and "null, vain, iniquitous." ("History of Germany," by Menzel, vol. ii., p. 395; Cermenin, vol. ii., p. 321.)

It could not be done now, because Pius IX. has announced, in his Syllabus of 1864 and elsewhere, that it is in violation of God's law and the faith of the Church; that Innocent X. and all other intolerant popes were infallible; and that unqualified and unresisting obedience is due both to the doctrines set forth by them, as well as to those which have been set forth by him.

If the Roman Catholic laymen of Maryland, in 1649, were so far removed from the immediate influence of Innocent X. that they dared to give expression to their honest sentiments in favor of toleration, let us cherish their memory with affection. But the immediate question which concerns us now, and which is practical in all its bearings, is this: Are the Roman Catholic laymen of the United States at this time sufficiently removed from the immediate influence of Pius IX. to stand firmly by the honest sentiments of their own hearts, and defend religious toleration at the hazard of incurring excommunication and anathema? If they are—if our free institutions have given growth and strength to their natural love of liberty, and they cherish the hope that they may be preserved as an asylum where Protestants and Roman Catholics may mingle together in harmony, and enjoy whatsoever forms of religious belief their consciences shall approve, then to them also should appropriate honors be given.

And this is the great question to which all our inquiries tend. How it is to be decided, and what shall be the character of the struggle through which a decision shall be reached, is known only to the Searcher of all hearts. The

head of the pope no longer wears a crown, but he will tolerate no subjects whose submissive obedience is not the same as if he did. With him there can be no religion without this obedience; there can be no service of God without serving him. If this is to be the religion of the Roman Catholic population of the United States, then the obligation of self-protection will require measures of defense against it. What these shall be it would be premature to discuss until this preliminary question shall have been decided. And this cannot be put off much longer. It is crowding upon us every day, and each demand from Rome increases its proportions.

Continued in [Chapter XXIII. The Papal Theory of Government](#)